

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CRAIG LESLIE JACOBSEN,

Plaintiff,

v.

MICHAEL DOUGLAS, *et al.*,

Defendants.

Case No. 2:16-cv-00489-MMD-PAL

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
PEGGIE A. LEEN

Before the Court is the Report and Recommendation of United States Magistrate Judge Peggie A. Leen ("R&R" or "Recommendation"), recommending dismissal of this action with prejudice. (ECF No. 5.) Plaintiff had until March 17, 2017, to file an objection. To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Leen's R&R. Upon reviewing the R&R and
10 the proposed complaint, this Court finds good cause to accept and adopt the Magistrate
11 Judge's R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and
13 Recommendation of Magistrate Judge Peggie A. Leen (ECF No. 5) is accepted and
14 adopted in its entirety.

15 It is ordered that the Complaint (ECF No. 1) is denied with prejudice.

16 The Clerk is directed to close this case and entered judgment accordingly.

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18 DATED THIS 3rd day of April 2017.

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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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